

**TOWN OF LAUDERDALE-BY-THE-SEA  
TOWN COMMISSION  
REGULAR MEETING MINUTES  
Jarvis Hall  
4505 Ocean Drive  
Tuesday, June 14, 2016  
6:30 PM**

**1. CALL TO ORDER, MAYOR SCOT SASSER**

Mayor Scot Sasser called the meeting to order at 6:30 p.m. Also present were Vice Mayor Mark Brown, Commissioner Alfred "Buz" Oldaker, Commissioner Elliot Sokolow, Commissioner Chris Vincent, Town Manager Bud Bentley, Assistant Town Manager Tony Bryan, Development Services Director Linda Connors, Town Attorney Susan L. Trevarthen, Finance Director Lisa Fuentes, Special Projects Coordinator Debbie Hime, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Smith.

**2. PLEDGE OF ALLEGIANCE TO THE FLAG**

**3. INVOCATION**

Mayor Sasser read a letter from the Florida League of Cities (FLC) in response to the recent tragedy that occurred in Orlando.

Pauline Brooks McGuinness gave the Invocation.

**4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS**

None.

**5. PRESENTATIONS**

**a. 2015 Crime Statistics Presentation (Captain Fred Wood, BSO)**

Captain Fred Wood of the Broward Sheriff's Office (BSO) stated that the Town's recently released crime statistics show a decrease in crime by 7%, which shows that Lauderdale-By-The-Sea had the third-lowest crime rate in Broward County. Two of the largest reductions were in domestic violence and larcenies, which decreased by 12% and 13% respectively. He encouraged residents not to leave valuables unsecured or vehicles unlocked in order to keep the larceny rate low.

Capt. Wood continued that because the Town is a tourist destination, it can experience an influx of up to 15,000 visitors on any given weekend, and the population doubles during the season. Lauderdale-By-The-Sea has a significantly lower crime rate than many other tourist destinations statewide.

**b. Presentation of the Comprehensive Annual Financial Report (CAFR)  
(Tony Bryan, Finance Director)**

Assistant Town Manager Tony Bryan introduced new Finance Director Lisa Fuentes. He reported that the Town continues to have \$2.2 million in emergency reserve funds, with \$1.2 million assigned to capital projects and \$677,000 remaining from the Oriana reserve fund. The General Fund balance is \$7.1 million, which reflects a 5% decline from the previous year. General Fund revenues exceeded expenditures by 12%, or nearly \$1.3 million.

The unrestricted balance of the Sewer Fund increased by \$263,000, bringing it to \$1.5 million as of September 30, 2015. The Parking Fund experienced an increase of 98%, bringing its balance to \$2.7 million. There were no comments or questions identified during the audit process.

Assistant Town Manager Bryan characterized the Town's progress as being on track or ahead of schedule to save money in the Sewer Fund for future repairs. He explained the General Fund surplus as being due to conservative budgeting of revenues, including building permit revenues, which are difficult to predict. The Town receives approximately 25% of its building permit revenues.

Assistant Town Manager Bryan continued that parking revenue does not go into the General Fund, but into the Parking Fund; however, these monies may be transferred into the General Fund. The Parking Fund is projected to have a \$500,000 surplus in its unrestricted balance this year, even with relatively conservative revenue projections. He did not feel it would be helpful to budget a larger surplus, as this fund's revenue is also difficult to predict.

**6. PUBLIC COMMENTS**

At this time Mayor Sasser opened public comment.

Ina Marjakangas, business owner, stated that her business was recently denied a wine license due to the location of a convenience store within 500 ft. of its location. She had requested the license as a means to diversify and expand her business to include customized gift baskets. She asked that the Town reconsider her request for the license.

Ms. Marjakangas continued that parking on Seagrape Commons obstructs the view of street-level businesses. She provided a photograph of the area, noting that the addition of a banner has helped her business increase by 33%. She requested that the Commission reconsider the limitation on temporary signage such as banners.

With no other individuals wishing to speak at this time, Mayor Sasser closed public comment.

## **7. PUBLIC SAFETY DISCUSSION**

### **a. BSO May 2016 Report (Captain Fred Wood, BSO)**

Capt. Wood recognized Detective Danny Marcel of BSO as Employee of the Month. Det. Marcel has been nominated by BSO for the Florida Retail Association's Police Officer of the Year Award.

### **b. AMR May 2016 Report (Chief Brooke Liddle, AMR)**

**Commissioner Vincent made a motion, seconded by Commissioner Sokolow, to approve both reports. Motion carried 5-0.**

## **8. TOWN MANAGER REPORT**

### **a. Chamber of Commerce Welcome Center May Statistics Report (Tedra Smith, Town Clerk)**

Chamber of Commerce President Courtney Stanford advised that the number of visitor guides mailed out and walk-in visitors have declined in comparison to May 2015. She explained that younger visitors tend to seek information via the internet. Mayor Sasser requested that visitor traffic be broken down according to whether it is computer- or mobile device-driven as well.

### **b. Town Manager Report (Bud Bentley, Town Manager)**

Town Manager Bud Bentley stated that the Town has begun work on the recommended budget for FY 2016-17, and acknowledged the time and effort Staff puts into its preparation. He continued that restrooms are under construction at the South Ocean parking lot, and advised that this lot will not be open to the public in time for the July 4<sup>th</sup> celebration. The Town is seeking to have the lot open for valet parking by the time of this event.

Town Manager Bentley continued that work is underway to increase the usable space at El Prado Park by bringing in additional tables. He pointed out that part of the wall on the way to the beach must be removed for both staff access to the beach and Americans with Disabilities Act (ADA) compliance. The Town's Five-Year Action Plan includes an item for the redesign and improvement of El Prado Park, which does not include the minor improvements currently underway.

Vice Mayor Brown reported that since the Town voted in favor of a Resolution that would place a one-cent infrastructure surtax on the ballot for referendum, the County has proceeded with its own suggested referendum for a one-cent transportation surtax. This means two surtaxes are currently scheduled for placement on the ballot in November

2016. He advised that this issue will be resolved within the next week, as the deadline for placement of a referendum on the ballot is before the end of June.

Town Manager Bentley continued that BugFest will begin in July, and recognized Public Information Officer Steve d'Oliveira for his efforts in securing a grant that will enable a public presentation on the history of the *SS Copenhagen*.

He concluded that the Town has entered into a visioning/planning project with Florida Atlantic University (FAU) for the Civic Center Complex at a projected cost of \$20,000 to \$25,000. Rather than allocating funds from the Contingency Fund for this project, he suggested moving funds to the Civic Center project from Development Services, as there are projects within Development Services that will not be completed until FY 2016-17. The Commissioners agreed with this procedure by consensus.

Mayor Sasser addressed the issues raised by Ms. Marjakangas during Public Comment. With regard to the wine license, Development Services Director Linda Connors clarified that Town Code requires 500 ft. of distance between establishments selling alcohol, with the exception of restaurants.

Development Services Director Connors continued that Code allows temporary banners to be in place for 20 days at a time, four times per year. There are additional accommodations allowing recessed businesses to place signs on the sides of their buildings; however, the owner of the subject site has not expressed interest in allowing this type of signage on his property.

It was further clarified that Ms. Marjakangas' business would not serve alcohol, but would sell wine in gift baskets. While alcohol licenses are provided by the State, the Town is required to sign off on its issuance, but cannot due to the proximity of another non-restaurant business that sells alcohol. Commissioners Vincent and Sokolow agreed to confer with Mayor Sasser, Development Services Director Connors, and Town Attorney Susan Trevarthen to address this issue as well.

Commissioner Oldaker stated that the placement of lighting in trees is still being planned due to issues with the availability of outlets, disintegration of products due to salt water, and other potential difficulties. Municipal Services Director Don Prince is searching for the best way to solve these issues.

## **9. TOWN ATTORNEY REPORT**

None.

## **10. APPROVAL OF MINUTES**

- a. May 24, 2016 Town Commission Workshop Minutes (Ethics Training)  
(Tedra Smith, Town Clerk)**



- b. May 24, 2016 Town Commission Meeting Minutes (Tedra Smith, Town Clerk)**

**Commissioner Vincent made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 5-0.**

#### **11. CONSENT AGENDA**

- a. Anglin Square Traffic Congestion (Captain Fred Wood, BSO)**
- b. Increase in Work Authorization for Linda Strutt Consulting, Inc. (Linda Connors, Development Services Director)**

**Commissioner Sokolow made a motion, seconded by Commissioner Vincent, to approve. Motion carried 5-0.**

#### **12. OLD BUSINESS**

None.

#### **13. NEW BUSINESS**

- a. Voting Delegate for the Florida League of Cities (FLC) Annual Conference (Tedra Smith, Town Clerk)**

**Commissioner Vincent made a motion, seconded by Vice Mayor Brown, to nominate Mayor Sasser. Motion carried 5-0.**

- b. FY17 Budget: BSO (Tony Bryan, Assistant Town Manager)**

Assistant Town Manager Bryan reported that the total amount requested by BSO for FY 2016-17 is \$4.2 million, which reflects a 3.3% increase over the current year. This is primarily due to an increase in personnel costs and the cost of vehicles. Staff recommends approval of the BSO budget.

**Commissioner Sokolow made a motion, seconded by Commissioner Vincent, to approve. Motion carried 5-0.**

- c. Amending the Code to Prohibit Construction on Holidays (Linda Connors, Development Services Director)**

Development Services Director Connors stated that some nearby municipalities prohibit construction on holidays. Staff recommends amendment of Town Code for this purpose.

Affected holidays would be New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving, and Christmas.

The Commissioners discussed the proposal, with Commissioner Oldaker suggesting that Veterans' Day be removed from the list of affected holidays, as it is a holiday of choice for many businesses. It was noted that Easter Sunday would not be affected, as Code already prohibits major construction on Sundays, with an exception for domestic power tools.

Town Manager Bentley advised that the Commission is not being asked to approve the amendment at this time, but to provide direction for Staff to prepare an Ordinance. Vice Mayor Brown did not feel Veterans' Day should be excluded from the list of affected holidays, as the Town holds an event in recognition of this holiday.

Commissioner Sokolow felt prohibiting construction on Veterans' Day would have a negative effect on small businesses, and pointed out that Veterans' Day is not a paid holiday for most employees. He also urged Staff to clearly define the term "construction" to differentiate between construction and emergency repairs when drafting an Ordinance.

**Commissioner Oldaker made a motion, seconded by Commissioner Vincent, to approve with the exception of Veterans' Day. Motion carried 3-2 (Mayor Sasser and Vice Mayor Brown dissenting).**

#### **d. Status of Town Service Contracts (Bud Bentley, Town Manager)**

Town Manager Bentley reported that a series of contracts are set to expire over the next six months. These include both the BSO and Volunteer Fire Department (VFD) contracts, which expire at the end of September 2016. Purchasing protocol allows the Town to enter into a new contract with BSO, as it is a governmental agency. The VFD contract provides for both parties to extend that contract. The Commissioners agreed by consensus to have Staff negotiate a new contract for BSO and an extension on the VFD contract.

Town Manager Bentley continued that the Building Services Contract with Cap Government began on January 3, 2012, and is coming up on its fifth year. Options include piggybacking on an existing government contract for building services with another local government, or waiving the purchasing contract and having Staff negotiate an extension on the existing contract with Cap Government. A third option is putting out a new RFP and soliciting open bids.

The Commissioners agreed with Staff's recommendation to research other local municipalities' contracts for the purposes of "piggybacking" onto them. Mayor Sasser advised that he would like to see multiple options presented as a result of this research. Commissioner Vincent requested that the research include a list of the cities for which each prospective contractor has worked or is working.

Town Manager Bentley stated that the Continuing Services Contract was issued in 2011 for architectural, engineering, and mapping services. At the time, there were several projects still ahead of the Town, which was required by State law to use the Competitive Contract Negotiation Act (CCNA) process. This meant selecting the most qualified firm first and negotiating the price later, which is more time-consuming than the RFP process. These contracts are currently coming to an end without the option of extension.

Town Manager Bentley explained that unless directed otherwise, Staff will place these contracts out for bid so they can get firms under contract. Purchasing Code allows for a temporary extension of contracts during the bidding process; however, this is not recommended by the Town Attorney. The RFQ issued will be for CCNA services. The Commissioners agreed by consensus to approve the issuance of this RFQ.

The final contract is the Solid Waste Collection Contract, which provides for its second renewal period on November 30, 2016. The renewal term may be from three to five years. Staff recommends authorization to enter into negotiations for this extension. The contract allows for slight changes in its terms. WastePro USA, the current vendor, has done a good job in correcting past issues and has brought in new equipment and personnel, which led to the recommendation of a negotiated extension.

Town Manager Bentley recalled that when WastePro USA first took over services, the Commission did not extend the contract, as they had no experience to build upon at the time. Vice Mayor Brown requested a status report on issues and documented complaints with WastePro USA, noting that multiple condominiums have experienced difficulties with this vendor. Town Manager Bentley agreed to provide this report before negotiating an extension, as well as a report on what other local markets are paying for these services.

#### **14. COMMISSIONER COMMENTS**

Vice Mayor Brown expressed his condolences for the victims of the recent tragedy in Orlando, as well as their families.

Commissioner Oldaker advised that an event in recognition of the Orlando tragedy is planned for Friday, June 10 at 1 p.m. at the Parker Playhouse in Fort Lauderdale.

Commissioner Oldaker continued that plans for the Town's 4<sup>th</sup> of July celebration are underway, and requested an update from BSO on traffic plans for this event. The parade will begin at 10 a.m., with periodic road closures along the route until the parade passes. Message boards will notify the public of these closures in advance. At approximately 8 p.m., inbound routes to Anglin Square will be closed to vehicular traffic. Fireworks begin at 9 p.m. After this event, heavy traffic and gridlock is expected. Town residents are urged not to drive at this time if possible.

Mayor Sasser reminded all present that BugFest will be held in July, and thanked Town Staff and local businesses for their participation in BugFest events. Scuba Nation has put forth a video in promotion of this event.

## **15. ORDINANCES**

### **Ordinances 1<sup>st</sup> Reading**

- i. Ordinance 2016-03 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, TO CREATE A HISTORIC PRESERVATION BOARD AND PROGRAM, AND TO AMEND DEFINITIONS, PROCEDURES, AND REGULATIONS RELATED TO HISTORIC PRESERVATION, ARCHAEOLOGICAL SITES, ARCHITECTURAL REVIEW, AND CONDITIONAL USES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Linda Connors, Development Services Director)**

At this time Mayor Sasser opened public comment.

Edmund Malkoon, resident, stated that he felt the Town is not taking the issue of historic preservation seriously, as the primary reason for its presentation is in relation to home rule and designation of property without owners' consent. He pointed out that there are currently no details on procedure, funding, or incentives at the Town level, nor is the potential scope of the issue presented as backup material. He concluded that the Item should be voted down or postponed.

With no other individuals wishing to speak at this time, Mayor Sasser closed public comment.

Development Services Director Connors stated that the proposed Ordinance would establish historic and archaeological preservation regulations within Town Code. The County's historic preservation program was established in 2014 for those municipalities that do not have their own regulations in this field.

The Town's Strategic Plan calls for the adoption of a historic preservation Ordinance in FY 2016. Development Services Director Connors asserted that the proposed Ordinance strikes a balance between historic preservation and individual property rights. It provides the basic framework for a preservation program, including definitions, means to designate properties, and procedures for property renovations. It also includes regulations establishing criteria for designation as historic and for the relocation or demolition of historic structures, as well as procedures to prevent demolition by neglect.

The Planning and Zoning Board was split 3-2 on this issue, primarily due to the issue of a Certificate of Appropriateness. The certificate would not be required for non-contributing properties in historic districts. Property owners' support is required for the designation of a property as historic.

The Commissioners discussed the Item, with Vice Mayor Brown observing that while there are many unanswered questions in relation to the proposed Ordinance, it primarily provides the Town with a starting point to retain control over historic items rather than falling under the auspices of the County's program. He requested clarification of how tax breaks for owners of historic properties would apply within the Town. Development Services Director Connors replied that the Town's historic preservation program would allow historic property owners to qualify for multiple tax breaks.

Development Services Director Connors continued that another issue is the State's Historic Preservation Grant Program, in which communities may apply for specific grants for purposes such as surveying, purchasing, or relocating properties. Incentives or programs would not be part of the proposed Ordinance, but would be policy decisions made after the approval of such an Ordinance.

Development Services Director Connors characterized the County's action in establishing a Historic Preservation Ordinance as intending it to serve for any County municipality that does not have such an Ordinance of its own. This County Ordinance currently applies to the Town. There are two methods of designating a property as historic: one is achieved when a property owner seeks the designation for his or her property, and the other method establishes a historic district of properties, which requires the agreement of 51% of the property owners within that district.

Commissioner Vincent asked if this meant a property could ever be deemed historic without the agreement of the property owner. Development Services Director Connors emphasized that this would not be possible for an individual property, although an individual owner within a historic district might not agree with the 51% majority required for approval.

Commissioner Sokolow asked if the County Ordinance supersedes a similar Town Ordinance if the Town's Ordinance is less stringent by comparison. Town Attorney Trevarten advised that in this case, the County's Ordinance is preemptive only if a municipality takes no action: it is not dependent upon the stringency of a municipality's own Ordinance.

Commissioner Sokolow agreed that it may be appropriate to create a Historic Preservation Board, if there is sufficient interest from residents in serving on it. He expressed concern, however, with the implications for a property owner's rights. Mayor Sasser agreed, pointing out that control would be better entrusted to the Town Commission than to the County. Commissioner Vincent advised that the Commission should review the County's Ordinance before passing one for the Town.



**Vice Mayor Brown made a motion, seconded by Commissioner Oldaker, to approve the recommendation of Staff. Motion carried 4-1 (Commissioner Vincent dissenting).**

**Ordinances 2<sup>nd</sup> Reading**

None.

**16. RESOLUTIONS – PUBLIC COMMENTS**

- a. Resolution 2016-02 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE BUILDING PERMIT AND INSPECTION FEE SCHEDULE; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Linda Connors, Development Services Director)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Development Services Director Connors stated that the Town has used the same building fee schedule since Cap Government was hired in 2012. The proposed amendments to the fee schedule are as follows:

- Reduce the permit extension fee to 5% of the original permit fee or \$85, whichever is greater;
- Reduce the 40-year building inspection fee from \$400 to \$300;
- Revise the refund of permit fees to allow a 50% refund on permit fees over \$400 when the permit is canceled prior to commencement of construction;
- Increase the permit card placement fee from \$35 to \$50;
- Delete the owner/builder re-inspection fee;
- Add zoning, engineering, and engineering inspection fees, as well as plan revision fees after permitting and technical consultation fees depending upon the Staff time spent;
- Multiple certificates of occupancy fees would be required for multi-unit properties that continue to build out.

Staff recommended approval of the Resolution.

Town Attorney Trevarthen confirmed that State regulations require no municipal Building Department to bring in sufficient revenue to operate at a profit, and fees must be designed to break even with costs. Assistant Town Manager Bryan added that Staff regularly monitors these costs to ensure compliance.



Commissioner Oldaker recommended that the first owner/builder re-inspection fee be waived, as some owner/builders are more experienced than others. Commissioner Vincent characterized the first re-inspection as a courtesy, for which he did not feel there should be a charge.

**Commissioner Sokolow made a motion, seconded by Commissioner Vincent, to approve, with the inclusion that the first owner/builder re-inspection fee be waived. Motion carried 5-0.**

**b. Resolution 2016-21 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AND AUTHORIZING THE TOWN MANAGER TO EXECUTE AN AGREEMENT FOR SPECIAL MAGISTRATE SERVICES WITH THOMAS J. ANSBRO, ESQ.; AND PROVIDING AN EFFECTIVE DATE**

**Resolution 2016-22 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AND AUTHORIZING THE TOWN MANAGER TO EXECUTE AN AGREEMENT FOR SPECIAL MAGISTRATE SERVICES WITH JEFREY P. SHEFFEL, ESQ.; AND PROVIDING AN EFFECTIVE DATE (Linda Connors, Development Services Director)**

At this time Mayor Sasser opened public comment on both Resolution 2016-21 and Resolution 2016-22, which he closed upon receiving no input.

Development Services Director Connors advised that these Resolutions would increase the fee paid by the Town to its Special Magistrates. The fee would increase to \$125 in 2016 and \$150 in subsequent years.

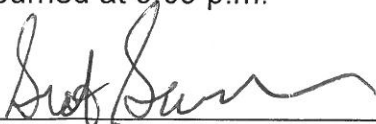
**Commissioner Sokolow made a motion, seconded by Commissioner Oldaker, to approve both Resolutions. Motion carried 5-0.**

## **17. QUASI JUDICIAL PUBLIC HEARINGS**

None.

## **18. ADJOURNMENT**

With no further business to come before the Commission at this time, the meeting was adjourned at 9:09 p.m.



Mayor Scot Sasser

Lauderdale-By-The-Sea  
Regular Town Commission Meeting  
June 14, 2016

ATTEST:

  
\_\_\_\_\_  
Town Clerk Tedra Smith

  
\_\_\_\_\_  
Date